

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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H&H DISPOSAL SERVICES, INC.,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY and UNITED  
STATES ARMY CORPS OF ENGINEERS,

Defendants.

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CIVIL ACTION

No. 18-4467

**ORDER**

**AND NOW**, this 12<sup>th</sup> day of August, 2019, upon consideration of Defendants the United States Environmental Protection Agency and the United States Army Corps of Engineers' (collectively "Defendants") Motion to Dismiss the Amended Complaint (Doc. No. 11), Plaintiff H&H Disposal Services, Inc's Answer to Defendants' Motion to Dismiss, and all of the parties' subsequent briefing, it is hereby **ORDERED** that Defendants' Motion is **GRANTED** pursuant to Federal Rule of Civil Procedure (12)(b)(1) for lack of subject matter jurisdiction.

**IT IS FURTHER ORDERED** that Plaintiff's request for a preliminary injunction is **DENIED** and that all claims against Defendants are **DISMISSED WITH PREJUDICE**. The Clerk of Court shall mark this case **CLOSED**.

BY THE COURT:

/s/ Robert F. Kelly  
ROBERT F. KELLY  
SENIOR JUDGE